Application No. 9/53,764 Art Unit 2165 Examiner: James H. Zurita
Inventor: John L. Howes Filed: 5 April 2000

AMENDMENT A - MARKED-UP VERSION

Specification Including Claims

NOMENCLATURE

10	consumer	**30**	transport
11	internet terminal	**31**	dedicated terminal
12	personal computer	**32**	kiosk
13	[internet] modem connection	**33**	telephone
14	computer monitor	**34**	open container with liquid coating base
15	visual display screen	**35**	open container with colorant
16	internet web site	**36**	containerized liquid coating product
17	computer	**37**	scanner
19	video camera	**39**	confines of a local retailer
20	customer order subsystem	**40**	location identified by customer address
21	production subsystem	**41**	portable internet device
22	production line	**45**	supplier personnel
23	container(s)	**46**	facsimile transmission
24	liquid coating base	**47**	facsimile reception
25	colorant	**50**	label
26	container identifier	**51**	customer order information
27	shipping	**52**	digital code
29	confines of remote supplier	**53**	railroad tank car
		54	pipe line
		55	fifty-five gallon drum
		56	empty expansible container
		57	[filled] full expansible container
		59	collar

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DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

FIG 1 depicts a consumer **10**, which for purposes of the instant invention is defined as a person who is interested in purchasing containerized liquid coating product including paint, primer, stain, varnish, mastic or other adhesive, et cetera, which [may] requires the addition of colorant in order to achieve a particular, [non-standard] custom, color, in front of and operating an internet terminal **11** depicted therein as comprising a desk top type personal computer (PC) **12** possessing a modem line connection **13** to a public telephone exchange (PBX), a monitor **14** possessing visual display screen **15** upon which an interactive web site **16** comprised of software held by a server computer may be viewed after accessing over the internet. The consumer **10** accesses the web site **16** by inputting an appropriate internet address such as the domain name, which may first be identified with the use of an internet search engine, and is able to select and order upon this web site **16** containerized liquid [covering] coating product **36** which [may] requires colorant addition to achieve any one of a plurality of particular, [non-standard] custom, colors which are further represented upon the visual display screen **15**.

The web site **16** provides information sufficient to enable both selection and ordering of containerized liquid coating product including that which [may] requires colorant addition to achieve a particular, [non-standard] custom, color which is conventionally available only from a local retailer and which is unavailable from a manufacturer of such product. This information preferably identifies and describes liquid coating base **24** characteristics wherein the base material is a liquid coating product of standard color which is generally available to local retailers from a manufacturer or distributor intermediary to the two. Liquid coating base **24** characteristics are determined by the use of oil, water, latex, and polymer compositions and are readily described as suited to various exterior and interior applications wherein both the surface and the environment conditions are readily recognized as criteria for determining suitability.

Oil based liquid covering product **36**, for example, is generally considered as superior for

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exterior and severe environment applications while water based latex liquid covering product 36 is generally preferred for interior applications of less than severe environments. Liquid coating bases 24 are also typically characterized by the resulting dry finish, e.g. gloss, semi-gloss, and flat, which are generally associated with composition and the environment suitable. Flat finishes are typically preferred for interior and exterior wall while semi-gloss or gloss is typically preferred for trim. Bathrooms and kitchens are considered to be moderately severe environments for which semi-gloss polymer and oil based paints are considered suitable for walls. Water based liquid coating bases 24 are generally less expensive and easier to use than oil based liquid coating bases 24.

For the purposes of the instant disclosure it is recognized that a variety of liquid coating bases 24 are available in a relatively restricted number of standard colors from the manufacturer and that the performance of a liquid coating product 36 and hence the suitability of the same for covering a given surface depends upon the composition of the liquid coating base 24. The surface is quite relevant to suitability. An unfinished drywall surface is generally considered to require a water based primer prior to application of the water based finish liquid coating while the same may be used on unfinished wood trim though oil bases are generally considered to be superior to water bases and unfinished metal is generally considered to require an oil based primer prior to application of an oil based finish coat. Walls are far more quickly covered with the use of a roller than a brush and if water based liquid covering product 36 is used the rollers may readily be cleaned and used again while this is generally considered impractical with an oil based liquid covering product 36 which is generally more difficult to clean up as requiring a solvent other than water.

The application, therefore, is of large importance to proper selection of an appropriate liquid [covering] coating product 36 and it is considered that information regarding [such product 36] the same preferably be available on an internet web site 16 which may further allow a consumer 10 to input information regarding the application, e.g., location and surface condition, which the software comprising the web site 16 may readily use as a guide for recommending liquid coating bases 24. The expense of any liquid coating product 36 is further determined largely by the liquid coating base 24,

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regardless of the particular, [non-standard] custom, color selected.

While selection of an appropriate liquid coating base **24** may be largely sufficient for the selection of an appropriate primer which will be completely obscured by the finish coat, and may similarly be largely determinative of substantially transparent liquid coating product **36** such as varnish, as well as being determinative of adhesives such as mastic which are covered by another surface such as tile, the most important characteristic of the finish coat obtained with the application of a liquid coating product **36** for most people is generally considered to be the color which is endlessly variable and invariably obtained by the addition of varying quantities of different colorants **25**. The ability of a consumer **10** to select from a large number of different colors and order liquid coating product **36** of a particular, [non-standard] custom, color directly from a supplier without having a local retailer open a container of standard color paint, add colorant **25**, and thoroughly mix the resulting paint which the consumer **10** must then transport from the local retailer is considered fundamental to the benefits derived from a fulfillment of the principles relating to the instant invention.

Another aspect considered important to an average consumer [**11**] **10** is the appropriate quantity. A can of paint may specify a coverage range in square feet but this may be beyond the comprehension of the novice or less mathematically inclined consumer **11**. While area in square feet is simply the product of the two relevant linear dimensions for a rectangular area, and most walls are rectangular, the actual usage is also dependent upon other factors such as temperature, which affects the viscosity of liquid coating product **36** and hence [large] the thickness of the coat applied; and the quality of the surface to coated. A given area of concrete block wall, for example, will require far more liquid coating product **36** than a drywall surface of the same area. The method of application is also relevant. Application with a brush is inherently more efficient than with a roller which absorbs liquid coating product **36** which cannot effectively be retrieved and also requires a pan which retains unusable residue. If a consumer [**11**] **10** intends to paint an apartment with the help of friends on a weekend, for example, the number of people using rollers for the application of the same liquid

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coating product **36** will affect the quantity effectively required. In this case the consumer will likely be more concerned with having a sufficient quantity than in usage efficiency.

Alternatively, while the consumer **[11]** 10 may generally be assumed to desire ordering a sufficient volume of liquid coating product **36** for a given job, the volume left over is generally wasted and comprises an inconvenience in addition to needless expense. This is considered especially relevant if the liquid coating product **36** is of a particular, [non-standard] custom, color which was selected for a specific application and is considered useless for any other application in the foreseeable future. For all of these reasons it is considered a great benefit to the consumer **[11]** 10 to be able to accurately determine the volume of liquid coating product **36** appropriate to a given application and assistance in the same which preferably accounts for as many factors as feasible is hence considered beneficial for which reason an internet based web site **16** is considered the best means of both providing information about liquid coating product **36** and assisting in the selection of both a particular, [non-standard] custom, color and a suitable volume of the same for a given application.

As a final example of the advantages available through use of an internet based web site **16** as the means for ordering liquid coating product **36** directly from a supplier, as represented in **FIG 1** and in contrast to a telephonic or facsimile transmission ordering as represented in **FIGS 3 & 4**, it is mentioned that the consumer **11** equipped with a video camera **19** operably connected to a personal computer **12** possessing a modem connection **[12]** 13 to a PBX may use the same to provide visual information to an internet based web site **16** including color images of the furnishings in a given room. Similarly, photographs of a room including furnishings are easily scanned and the digital representations easily provided by the consumer **10** through a personal computer **12** possessing a modem connection **[12]** 13. And solid modeling of a room with furnishings which may be colored are also easily provided as digital input. Appropriate software comprising the web site **16** in this case will receive digital input from the consumer **[19]** 10 and provide information to assist in product selection and may suggest one or more particular, [non-standard] custom, colors for the liquid coating product **[26]** 36 for ordering by the consumer **[11]** 10. With a suitable dimensional reference,

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such as a yardstick disposed flush against a wall for example, the software comprising the web site **16** may further estimate the area to be covered and recommend a suitable volume as well.

Regardless of the means utilized for selection and ordering of liquid covering product **36** a customer order must identify the quantity of each, a delivery address, and preferably a delivery date. This comprises information which is entered into a customer order subsystem **20** maintained by a supplier which is remote to the consumer **[11]** 10. As represented in **FIGS 1 & 2** the customer order subsystem **20** is preferably comprised of software run by a computer **17** possessing an operable internet modem connection **13** with a PBX. In this case the web site **16** is assumed to be comprised of different software run by a server computer **17** maintained by an internet service provider which is different that the computer **17** running the software comprising the customer order subsystem **20** though this is not strictly necessary. The two sets of software might be one and the same with the server computer **17** maintaining the web site **16** also maintaining the customer order subsystem **20** or vice versa. In any case the two sets of software are preferably integrated to a degree which at minimum enables a consumer **[11]** 10 to place an order and the remote supplier to obtain the information necessary to fulfill that order. The software comprising the web site **16** and the customer order subsystem **20** is effectively the same with this regard but it is also recognized that it is undesirable to have direct public access to the computer systems maintained by the supplier and the desirability of one or more firewalls erected against unwanted intrusion argues for the use of different software running on different computers **17** for the web site **16** and the customer order subsystem **20**.

Similarly, while it is quite feasible to maintain both a customer order subsystem **20** and a production subsystem **21** on the same computer **17** and with the same software, it is considered desirable to separate the two subsystems **20, 21** with a firewall which, ideally, means that there is no direct line connection between the two. The customer order subsystem **20** preferably possesses a modem connection **13** with a PBX in order to receive orders through the internet. This means that the computer **17** running the software comprising the customer order subsystem **20** is vulnerable to unwanted intrusion by the public and while various measures are available and currently being

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developed it is considered impossible to guarantee imperviousness to undesired intrusion by the public into any computer **17** possessing an open modem connection **13** operably connected to the internet.

For this reason it is considered desirable to separate a computer **17** based customer order subsystem **20** from a computer **17** based production subsystem **21** despite the need for information transfer between the two. The production subsystem **21** ideally governs the production line **22** in order to achieve automation and flexibility in the same. Input data comprising appropriate customer order information 51 is preferably utilized in two coordinated ways with regard to the production line **22**. It is suggested that the order data be compiled and processed into parameters governing production in achievement of batching with respect to the use of liquid coating base **24** which is preferably disposed into empty containers **23**, as depicted in **FIGS 2& 3** and implied in **FIGS 1 & 4**. Batching is also recommended for the addition of colorant **25** in achievement of particular, [non-standard] custom, colors and it is specifically suggested that customer order information **51** be transferred, in coordination with batching, onto each open container with colorant **35**, in identification of the content therein preferably including the customer name, delivery address, delivery date, and [quantity] volume of each liquid coating product **36** and the number of containers 23 utilized in fulfillment of each order.

As shown in **FIGS 1 - 4** the containerized liquid coating product **36**, preferably carrying a label **50** with the customer order information **51** detailed above clearly printed thereon and or a bar or other digital code **52** by which such information may be readily retrieved by a scanner **37**, is transferred from the end of the production line **22** to shipping **27** from which it is then taken by suitable transport **30** to the location identified by the customer delivery address **40**. Shipping **[30]** 27, represented simply as an area within the confines of the remote supplier **29**, preferably comprises an area in which orders are assembled and packaged for delivery 'pick-up' by a commercial transport **30** service and wherein batching by order and delivery date is preferably observed. For this purpose and for effecting a change in status, both in receipt from the production line **22** and in shipment of the order, in the production subsystem **21** shipping **27** preferably possesses a computer [terminal]

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monitor [11] 14 with a direct line connection to the computer 17 in which the production subsystem 21 is maintained and operated.

With regard to the preferred embodiments of the principles relating to the present invention represented in FIGS 1 - 4 considered in contrast it is first noted that rather than utilizing an internet terminal 11 comprised of a PC 12 with an internet modem connection 13 and associated computer monitor 14 as represented in FIG 1 the consumer 10 in FIG 2 utilizes a dedicated terminal 31 located at a kiosk 32 which is preferably located within the confines of a local retailer 39. The dedicated terminal 31 is wired so that only the web site 16 maintained in representation of the remote supplier is accessible. In this case there is hence effectively no internet and the functioning of the single accessible web site 16 maintained on a internet server computer 17 may effectively be assumed by the computer 17 also maintaining the customer order subsystem 20 within the confines of the remote supplier 29. As represented in FIG 3 the consumer 10 utilizes a telephone 33 to place an order with supplier personnel 45 and in FIG 4 the consumer places an order by facsimile transmission 46 and the order is received by the remote supplier with facsimile reception 47 while in the left hand of the consumer 10 a portable internet device 41 is held which may also be utilized for the placement of an order via a web site 16 which [as] is represented in FIGS 1 & 2.

The production line 22 of the preferred embodiments of the principles relating to the present invention represented in FIGS 1 - 4 also vary and the varying components interchanged. As represented in FIG 4 open containers 34 filled with liquid coating base material 24 obtained directly from a manufacturer may be utilized though it is preferred that more economic volumes such as a fifty-five gallon drum 55 or 1,000 liter 'tote' be obtained from a manufacturer in which case empty containers 23, represented in the other figures, of suitable size for customer order fulfillment will also be required.

In FIG 1 a railroad tank car 53 is represented from which liquid coating base 24 is transferred via a pipe line 54 into a tank in the production line 22 for dispensing into empty containers 23. In FIGS 2 & 3 empty containers 23 are similarly filled with liquid coating base 24 by the first dispensing

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unit in the production line **22** which in all cases proceeds with the dispensing of colorant **25** into an open container 34 with liquid coating base [34] 24 thus achieving an open container with colorant **35**. It is commented that the use of a dedicated terminal **31** located in a kiosk **32** within the confines of a local retailer **39** is considered especially appropriate for a remote supplier which is also a manufacturer and the step of filling empty containers **23** with liquid coating base material **24** may in this case more specifically comprises the addition of constituents of the liquid coating base **24** including solvent and binder from tanks holding each constituent separately.

It is also noted, with respect to all the preferred embodiments of the principles relating to the present invention as represented in **FIGS 1 - 4**, that the opening and closing of the containers **23**, as well as the blending of the contents therein resulting in the containerized liquid coating product **36** is assumed in each production line **22** and that it is preferred that closure of the open containers **35** after the addition of any colorant **25** to the open container **34** filled with liquid coating base **24** be coordinated with the operation of a container identifier **26** which is represented as the addition of a label **50** upon the open [filled] container with colorant **35**. It is further preferred that the container identifier **26** be controlled in coordination with control of the addition of the colorant **25** and the liquid coating [material] base **24** by the production subsystem [20] 21 as indicated by the direct lines between these but that the feedback data from the filling operations be utilized to ensure that the container identifier **26** operates accurately. As a further quality control measure a spectrophotometer or colorimeter may be employed to test the color of the contents of the open [filled] container with colorant **35** prior to operation of the container identifier **26** and closure effecting containerized liquid coating product **36**.

As further represented in **FIG 4**, the consumer **10** is placing an order by facsimile transmission **46** through a PBX and the order is taken by facsimile reception **47** and converted into digital format with the use of a scanner **37** which also enters the order including customer order information **51** into a single computer **17** operating both the software comprising the [production] customer order subsystem **20** and the software comprising the production subsystem **21**. This is also the case

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represented in **FIG 3**. In both cases entrance of customer order information **51** into the customer order subsystem **20** is preferably performed with the aid of supplier personnel **45** as represented in **FIG 3**. While this is considered inferior to use of the internet [either] through a web site **16** maintained on an internet server computer **17** as described above as being comparatively labor intensive since the computer **17** [upon which] running the software comprising the customer order subsystem **20** does not require an open modem connection **13** it is not vulnerable to undesired intrusion there is no need to separate the production subsystem **21** from the customer order subsystem **20**.

FIG 5 depicts a label **50** bearing customer order information **51** which is preferably, as shown, inclusive of customer name, delivery address, delivery date, identification of liquid coating base **24** and colorant **25**, and both volume and number of containers **23** [of that particular liquid coating product **36**] fulfilling the order. Other information may readily be included such as production date, the number of different containerized liquid coating products **[26] 36** comprising the order, the volume and number of containers **23** for the same, et cetera. A bar or other digital code **[51] 52** is also suggested which is readily read by a scanner **37** for verification of customer order information or retrieval of the same. Use of only a bar or other digital code **[37] 52** without textual printing of any customer order information **51** is not particularly recommended though it is certainly considered feasible, particularly if the service utilized for transport **30** is equipped with a system which can readily scan and read the customer name and delivery address at minimum.

FIGS 6 & 7, respectively, depict an empty expansible container **56** in a collapsed condition intended for filling with liquid coating base **24** and colorant **25** in the production of containerized liquid coating product **36** [and] in the resulting full expansible container **57**. An embodiment of the principles relating to the present invention utilizing such an expansible container **56, 57** preferably has preblended liquid coating base **24** dispensed from a tank with the use of a mechanism for gripping a collar **59** about an aperture in conveyance of the empty or full expansible container **56, 57**. Because

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colorant **25** is added by the supplier and delivered directly to the consumer **10** and there is no need for reopening the full expansible container **57** after production in the form of containerized liquid product **36**, it is considered advantageous economically to utilize expansible containers **56, 57** molded of flexible plastic as opposed to conventional rigid metal paint cans or rigid plastic pails for containerization. Especially for smaller volumes it is further considered that an empty expansible container **56** molded of flexible plastic which is essentially an envelope and readily folded flat prior to filling may be heat sealed and then shaken in mixing after the addition of colorant **25** in production of the containerized liquid coating product **36**. Alternatively, a resealable closure such as a threaded collar **59** and mating cap may be utilized. In either case the full plastic container **57** is not readily suited to use directly and it is anticipated that the liquid coating product **36** contained therein will require transfer to another rigid container **23** for use and while this is considered a disadvantage in one regard it is also considered good practice generally in application of liquid coating product **36** and making the container **23** rigid would largely negate the economy achieved in the use of a flaccid plastic expansible container **56, 57** of the type depicted in **FIGS 6 & 7**.

The foregoing is intended to provide one practiced in the art with what is considered to be the best known manner of making and using a system in accordance with the principles relating to the present invention and is not to be interpreted [as] in any manner as restrictive of that invention or the rights and privileges obtained by Letters Patent for which I hereby claim:

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1. A business method for the direct supply for containerized liquid coating product inclusive of a plurality of particular, [non-standard] custom, colors by a supplier remote from a consumer, said business method comprising the steps of:

placing by at least one consumer of a customer order directly with a remote supplier specifying customer order information including indication of at least one liquid coating base, a color, a quantity, delivery address and identification of the customer;

entering said customer order information into a customer order subsystem comprised of software maintained on a computer;

compiling said customer order information with a computer and processing the results of this compilation with a production subsystem to yield production parameters;

operating, in observance of said production parameters yielded by said production subsystem, a containerized liquid coating production line capable of producing a plurality of particular, [non-standard] custom, color containerized liquid coatings with a precision in the addition of colorant to liquid coating base [superior to] exceeding the precision readily obtainable by a conventional local retailer;

assembling containerized liquid coating product resulting from said production line fulfilling at least one individual customer order and packaging the resulting assemblage as required for shipment;

transporting each said assemblage of containerized liquid coating product fulfilling each said customer order to the delivery address specified by the consumer in placing the customer order;

whereby each said consumer obtains delivery of containerized liquid coating product directly to a specified address which may be inclusive of particular, custom [non-standard], colors [of superior consistency with regard to color without need for the addition of colorant and by a local retailer to standard volume containers of liquid coating product].

continued

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2. The method of claim 1 wherein said containerized liquid coating product is containerized in [standard volume containers] rigid metal paint cans.

3. The method of claim 2 wherein fulfillment of said customer order includes partial filling of one of said [standard volume containers] rigid metal paint cans.

4. The method of claim 1 wherein said containerized liquid coating product is containerized in [non-standard volume] molded plastic expansible containers.

5. Delete.

6. The method of claim 4 wherein said [non-standard volume] molded plastic expansible containers possess a collar about an aperture which collar is gripped during operation of said production line.

7. The method of claim 1 further including the step of identifying customer order information upon containers holding containerized liquid coating product.

8. The method of claim 7 wherein the step of identifying customer order information upon said containers is effected with the attachment of a label to each said container bearing a digital code readable by a scanner.

9. The method of claim 7 wherein the step of identifying customer order information upon said containers is effected with the attachment of a label to each said container bearing printed customer order information.

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10. The method of claim 7 wherein said customer order information is comprised of at least one of the group comprised of: color name of liquid coating product, customer name, delivery date, quantity of product in order, number of containers for each liquid coating product in the order.

11. The method of claim 1 wherein the operation of said production line includes the addition of blended liquid coating base to an empty container.

12. The method of claim 11 wherein said blended liquid coating base is obtained from a manufacturer in large containers ranging in volume from fifty-five gallon barrels through railroad tank cars inclusive of 1,000 liter totes.

13. The method of claim 12 wherein a pipeline is utilized for the transfer of liquid coating base from said large containers to a tank from which said liquid coating base is dispensed.

14. The method of claim 11 further including the step of identifying the type of liquid coating base added upon the container.

15. The method of claim 11 wherein the operation of said production line includes the addition of colorant to the blended liquid coating base.

16. The method of claim 15 further including the step of identifying the name of the color resulting from the colorant added upon the container.

17. The method of claim 1 wherein the step of placing an order by a consumer directly with a supplier of liquid coating product is conducted with use of telecommunications.

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18. The method of claim 17 wherein the step of placing an order by a consumer directly with a supplier of liquid coating product is conducted with use of a telephone connected to a public telephone exchange.

19. The method of claim 17 wherein the step of entering said customer order into a customer order subsystem is accomplished by supplier personnel.

20. The method of claim 17 wherein the step of placing an order by a consumer directly with a supplier of liquid coating product is conducted with use of facsimile transmission through a telephone exchange.

21. The method of claim 17 wherein the customer order subsystem and the production subsystem are both maintained on the same computer.

22. The method of claim 17 wherein the customer order subsystem is maintained one computer and the production subsystem is maintained on a different computer.

23. The method of claim 1 wherein the step of placing an order by a consumer directly with a remote supplier of liquid coating product is conducted with use of the internet.

24. The method of claim 23 wherein[able] an internet device is utilized to place an order directly with a remote supplier of liquid coating product.

25. The method of claim 24 wherein the step of placing an order by a consumer directly with a supplier of liquid coating product is conducted with use of a dedicated terminal with internet access only to a web site maintained by the supplier.

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26. The method of claim **25** wherein the step of entering said customer order into a customer order subsystem is accomplished by the computer maintaining the customer order subsystem.

27. The method of claim **23** wherein the customer order subsystem and the production subsystem are both maintained on the same computer.

28. The method of claim **23** wherein the customer order subsystem is maintained one computer and the production subsystem is maintained on a different computer.

29. The method of claim **23** wherein said web site provides product information assisting in the selection of liquid coating product inclusive of the identification of a plurality of particular, [non-standard] custom colors.

30. The method of claim **29** wherein said product information assisting in the selection of liquid coating product includes liquid base characteristics.

31. The method of claim **23** wherein said web site provides assistance in the selection liquid coating product appropriate to a given job as defined by information input by the consumer.

32. The method of claim **31** wherein said assistance in the selection of liquid coating product includes the recommendation of liquid coating base.

33. The method of claim **31** wherein said assistance in the selection of liquid coating product includes the calculation of appropriate volume for a given application as defined by consumer input.

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34. The method of claim **31** wherein said assistance in the selection of liquid coating product includes the suggestion of at least one particular, custom [non-standard], color based upon digital input by said consumer, said digital input including but not limited to digital video input, digital photograph input and digital solid modeling input.